

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JANICE NADEAU, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

EQUITY RESIDENTIAL PROPERTIES
MANAGEMENT CORPORATION,

Defendant.

Case No. 7:16-cv-7986-VB-LMS

**DECLARATION OF JEREMIAH FREI-PEARSON
IN OPPOSITION TO DEFENDANT'S MOTION TO COMPEL ARBITRATION**

I, Jeremiah Frei-Pearson, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, the following:

1. I have personal knowledge of the matters set forth herein.
2. I am a founding partner of the law firm of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP ("FBFG"), counsel for Plaintiff in the above-captioned action.
3. I respectfully submit this Declaration in opposition to Defendant Equity Residential Properties Management Corporation ("Defendant" or "Equity")'s Motion to Compel Arbitration.
4. Ms. Nadeau retained FBFG to represent her in a civil action against Defendant.
5. On October 12, 2016, FBFG filed a class action Complaint against Defendant alleging violations of the Fair Labor Standards Act (Counts I & V) and the New York Labor Law (Counts II, III, IV & VI). (*See* Dkt. No. 1, Complaint.)
6. FBFG, on Ms. Nadeau's behalf, paid a filing fee and paid to serve the Complaint on Defendant.

7. On November 16, 2016, I informed Defendant's counsel during a call that, because of Defendant's refusal to participate in arbitration, it had lost the right to demand arbitration of Plaintiff's claims and that Plaintiff would oppose any motion by Defendant seeking to compel arbitration.

8. Attached as Exhibit 1 is a true and correct copy of an endorsed letter motion in *U.S. Bank, N.A. v. Squadron VCD, LLC*, No. 10-cv-5484-VB, Dkt. No. 44 (S.D.N.Y. Jun. 6, 2011) (Briccetti, J.), granting a request for leave to file sur-reply where reply papers provided previously undisclosed information.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 21, 2016
White Plains, New York

/s/ Jeremiah Frei-Pearson
Jeremiah Frei-Pearson (SDNY No. JF1509)
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